

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RED BARN MOTORS, INC., *et al.*,

Plaintiffs,

VS.

COX ENTERPRISES, INC., *et al.*,

Defendants.

No. 1:14-cv-01589-TWP-DKL

Entry from December 28, 2016 Telephonic Conference

The Court held a telephonic conference on December 28, 2016, to assist the parties with a discovery dispute. Plaintiffs were represented by Catherine Lasky, Kerry Murphy, Jacob Airey, and Matthew Coman. Defendants were represented by David Jurkiewicz, Paul Vink, and Tracey Ledbetter.

The parties discussed the dispute and desire to amend the scheduling order. The dispute over Plaintiff's responses to discovery regarding damages calculation as to the Named Plaintiffs has been resolved. Defendants said that they needed about three weeks to review the NextGear training materials and were optimistic that the relevant and responsive training materials could be produced by January 13, 2017. To the extent Defendants can do a rolling production, they will do so.

Regarding the outstanding discovery requests served on Platinum Motors, Inc., counsel indicated that Platinum was a single-person entity and he has been trying to track down documents. He is hopeful he can have access to them this Thursday. As for Red

Barn Motors, Inc., because of a flood, documents were lost, but a third party may have copies of documents. Counsel needs 10 days more to determine whether there are additional documents that can be produced or not. It is anticipated that Platinum and Red Barn will produce additional documents or otherwise respond to the discovery requests by January 6, 2017.

As for scheduling deadlines, Defendants' motion to dismiss and Plaintiffs' motion for class certification are pending. The Magistrate Judge directed Defendants to file a motion requesting the Court to vacate the current trial date and final pretrial conference and extend the dispositive motion deadline. Plaintiffs indicated that if the trial could be held before September 2017, they may agree to reschedule the trial date. However, they would like a date certain and they would like to have the trial as soon as possible. Defendants said that they could file an appropriate motion by the end of this week.

Dated: 12/29/2016

A handwritten signature in black ink, reading "Denise K. LaRue". The signature is written in a cursive, flowing style.

Denise K. LaRue
United States Magistrate Judge
Southern District of Indiana

Electronic Distribution to All Counsel of Record